

**FOSS
DECLARATION
EXHIBIT 3**

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

NEWMARKET PHARMACEUTICALS,
LLC,

Plaintiff,

v.

VETPHARM, INC., et al.,

Defendants.

Civil Action No. 17-1852 (MAS) (TJB)

ORDER

This matter comes before the Court upon Plaintiff NewMarket Pharmaceuticals, LLC's ("NewMarket") Renewed Application for an Order to Show Cause Why a Temporary Restraining Order and Preliminary Injunction Should Not be Entered. (ECF No. 39.) Defendants VetPharm, Inc. and Denni O. Day (collectively, "VetPharm") opposed and filed a Cross Motion to Dismiss. (ECF No. 60.) NewMarket replied, and opposed the Cross Motion to Dismiss, (ECF No. 66.) VetPharm replied, (ECF No. 68.) For the reasons set forth in the accompanying Memorandum Opinion, and other good cause shown,

IT IS on this 12th day of December, 2018 **ORDERED** that:

1. NewMarket's Renewed Application for an Order to Show Cause Why a Temporary Restraining Order and Preliminary Injunction Should Not be Entered (ECF No. 39) is **DENIED**.
2. VetPharm's Cross Motion to Dismiss (ECF No. 60) is **DENIED without prejudice**.
3. The Court reinstates the stay pending the parties' completion of arbitration pursuant to the Court's April 5, 2017 Order compelling arbitration. (ECF No. 22.)
4. The Parties shall return to arbitration by **February 12, 2019**.

5. VetPharm may renew its motion to dismiss if Newmarket fails to comply with the Court's order requiring the parties to submit to arbitration within sixty days.
6. The Memorandum Opinion shall be filed under seal. By **December 26, 2018**, the Parties shall file a Motion to Seal that complies with Local Civil Rule 5.3(c).¹ If the parties fail to file a Motion to Seal, the Court will lift the seal.



MICHAEL A. SHIPP
UNITED STATES DISTRICT JUDGE

¹ The Motion to Seal should be made returnable before the magistrate judge in this matter.